



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 7, 2004

Van Sunberg
SE Regional Environmental Coordinator
Alaska Department of Transportation and Public Facilities
6860 Glacier Highway
Juneau, Alaska 99801-7999

RE: South Mitkof Island Ferry Terminal - Essential Fish
Habitat Assessment
Project No. STP-0003 (65)/67833

Dear Mr. Sunberg:

The National Marine Fisheries Service (NMFS) has reviewed the Department of Transportation and Public Facilities (DOT) proposal and Essential Fish Habitat (EFH) Assessment to construct the South Mitkof Ferry Terminal (SMT). The proposed project consists of a new ferry terminal, access roadway, and parking area at the south end of Mitkof Island. We have reviewed the *South Mitkof Island Ferry Terminal Preliminary Design Memorandum* dated March 1, 2004, and the *DOT&PF Essential Fish Habitat Assessment, South Mitkof Ferry Terminal, Petersburg, Alaska*, dated April 5, 2004. We offer the following comments specific to the EFH provisions on the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA).

Essential Fish Habitat

Section 305(b) of the MSFCMA (16 USC 1855 (b)) requires federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have an adverse effect on designated EFH. DOT's EFH assessment determined that the project, including conservation measures that will be incorporated, would have minimal impacts to EFH. In your April 8, 2004, DOT asked if NOAA Habitat Conservation feels additional measures are necessary.

Page twelve of your EFH assessment lists eleven avoidance, minimization and conservation measures that have been incorporated into the project design to avoid and minimize the potential adverse effects on EFH. Our specific comments on these measures follow:

Avoidance measure number seven is missing the word not. This measure should be rewritten to read: "Pile driving would not be accomplished between March 14 and June 1 to minimize



impacts on juvenile salmon. To the extent practicable piles would be installed using a vibratory hammer.”

Measure number ten states that a monitoring program will be conducted in order to determine the long-term impacts of the trestl on the eelgrass bed, maneuvering area and associate biota. Is a monitoring plan available for NMFS review? If so, NMFS would like to review and comment on this plan. If a plan is not available NMFS recommends that the eel grass monitoring plan include information such as: who will conduct the monitoring, what will be the methods used, what will be the frequency and duration of monitoring and what measures would be taken to reduce negative impacts on eelgrass.

The MSFCMA requires NMFS to make conservation recommendations regarding any federal or state agency action that would adversely affect EFH. Accordingly, we offer the following additional EFH Conservation Recommendations:

1. If peak sound pressure levels from deepwater pile driving exceed the 180 dB re μ Pa threshold for injury to fish (which is unlikely if small diameter piles are used) implement measures to reduce sound pressure such as: surrounding the pile with an air bubble curtain, using a smaller hammer to reduce the sound pressure, or using a hydraulic hammer if impact driving cannot be avoided.
2. The proposed SMT will have the required oil spill contaminant and cleanup materials readily accessible. Staff will be trained in their use.
3. Develop an eel grass monitoring and mitigation plan.

NMFS has provided written comments on the proposed SMT on three previous occasions (may 25, 2000; May 10, 2001; and April 7, 2003). The SMT site is a pristine site with higher habitat value than the other proposed site at milepost 27 ½. The proposed avoidance, minimization and conservation measures will reduce the impact on EFH. However, due to potential adverse impacts an eelgrass monitoring plan should be developed and followed. In addition, a mitigation plan may be appropriate for this action.

Upon receipt of these EFH Conservation Recommendations, the MSFCMA requires the DOT to respond to NMFS within 30 days informing us of the agency’s decision to implement these recommendations.

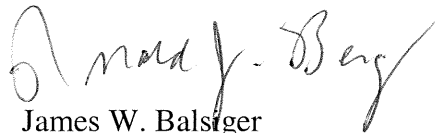
Threatened and Endangered Species/ Marine Mammal Protection Act

The project is within the range of endangered humpback whales and threatened Steller sea lions, as well as harbor porpoises, harbor seals and killer whales, which are protected under the Marine Mammal Protection Act.

Pile driving introduces high levels of noise into the water column, with the potential to harass or injure marine mammals. Received sound levels in the range of 130-135 decibels have been measured up to one kilometer from a pile driver. Humpback whales, killer whales, Steller sea lions, harbor seals, and harbor porpoises may occur in the project area and could be affected by this work. Any harassment or injury to these animals would be in violation of Federal law. To reduce the possibility for such an effect, NMFS recommends that pile driving not occur if any marine mammals are observed within 200 meters of the platform. The operator must scan the area for the presence of marine mammals. If marine mammals are sighted within 200 meters of the sound source, or are observed to be disturbed by the activity, pile driving must cease until the animals leave the immediate area.

If you have any questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (586-7585, cindy.hartmann@noaa.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "James W. Balsiger". The signature is fluid and cursive, with the first name "James" being more prominent.

James W. Balsiger
Administrator, Alaska Region

cc: Jane Gendron, CH2M Hill, PO Box 20109, Juneau 99802
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